

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

NICOLE TAYLOR REED, )  
                          )  
Plaintiff,             )  
                          )  
v.                      ) CIVIL ACTION NO. 2:06cv380-MHT  
                          )  
BIG LOTS STORE, INC., )  
                          )  
Defendant.            )

**ORDER**

Upon consideration of the defendant's motion to compel (doc. # 19) filed on October 11, 2006 it is

ORDERED that the motion be DENIED pursuant to FED.R.CIV.P. 26(c) and 37(a)(2)(B). These rules, as amended on December 1, 1993, require litigants to resolve discovery disputes by a good faith conference before seeking court intervention. Although counsel filed a certification of his good faith effort to confer, the court notes that *written communications do not constitute a conference*. Discovery motions filed pursuant to these Rules must be accompanied by a certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without court action. Counsel for the defendant and the plaintiff are DIRECTED to hold not later than 20 days from the date of this order, the required good faith conference. The parties are encouraged to review this district's Guidelines to Civil Discovery which may be found at <http://www.almd.uscourts.gov>.

Done this 13<sup>th</sup> day of October, 2006.

/s/Charles S. Coody  
CHARLES S. COODY  
CHIEF UNITED STATES MAGISTRATE JUDGE